

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Fort Rucker, Ozark and
Slocumb, Alabama

)
)
)
)
)
)
)

MB Docket No. 04-146
RM - 10871

RECEIVED

To: Secretary's Office

Attn: Assistant Chief, Audio Division
Media Bureau

MAY 21 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**COMMENTS & STATEMENT OF CONTINUING INTEREST
OF
STYLES MEDIA GROUP, LLC**

Styles Media Group, LLC ("Styles"), by Counsel, pursuant to Paragraph No. 2 of the Appendix to the *Notice of Proposed Rule Making (DA 04-964, released April 14, 2004) ("NPRM")*, and hereby respectfully submits these Comments & Statement of Continuing Interest in the above-captioned Rule Making proceeding. In support hereof, Styles submits the following:

Preliminary Statement

1. On April 14, 2004 the Commission, in response to a petition filed by Styles, released the NPRM wherein it proposed to amend §73.202(b) of the Rules, Table of Allotments, as follows:

No. of Copies rec'd
List ABCDE

014

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Fort Rucker, Alabama	263A	280C3
Ozark, Alabama	280C3, 285A	285A
Slocomb, Alabama	---	263C3

2. Styles is the licensee of Radio Station WXUS-FM at Fort Rucker, Alabama, which operates on Channel 263A. Styles is also the licensee of Radio Station WJRL-FM at Ozark, Alabama, which operates on Channel 280C3. Styles has requested that Channel 263A be upgraded to Channel 263C3 and that the improved channel be re-allotted to Slocomb, Alabama, as that community's first local licensable FM station.¹ In addition, since this proposal seeks the removal of the only radio service licensed to Fort Rucker, Alabama, Styles simultaneously seeks a community of license change for WJRL-FM from Ozark, Alabama to Fort Rucker, Alabama, so as to maintain local radio service at Fort Rucker, Alabama.

3. In its original Petition, Styles submitted a Technical Statement to demonstrate that Channel 263C3 may be reallocated from Fort Rucker to Slocomb in compliance with §73.207 spacing requirements to all other applicable facilities.

¹ The NPRM at footnote number 1 asked for clarification of the Channel 263 matter. It appears that the legal portion of the "Petition for Rule Making" did not contain a clear explanation that Channel 263 should be upgraded from Class A to Class C3 status before being re-allotted to Slocomb. Please be advised that Styles acknowledges and agrees that Channel 263A at Fort Rucker must be upgraded to Channel 263C3 before it is re-allotted to Slocomb. Styles hereby affirms its intention for that proposal.

The Proposed Allotment Is In The Public Interest

4. The reallocation of Channel 263C3 to Slocomb, Alabama would provide that community with its first local aural service and thus result in a preferential arrangement of allotments under the Commission's FM allotment priorities. *See, Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Change of Community")*.

5. As Styles demonstrated in its "Petition for Rule Making," Slocomb, Alabama is qualified and deserving to receive the reallocation of Channel 263C3 since it has definable boundaries, has its own elected government (a mayor and a five-member council, elected every four years), its own police and fire departments, its own school system for grades kindergarten through 12th grade, its own monthly newspaper (the "Town Crier") and its own postal zip code -- 36375. The town of Slocomb also provides water and sewer service to its residents, and is home to a public library and numerous businesses that use the Slocomb name.

Statement Of Continuing Interest

6 Styles hereby states that, upon the Commission's adoption of the proposal and the improvement and reallocation of Channel 263 from Fort Rucker to Slocomb, Styles will promptly file the appropriate applications for modification of the WXUS-FM and WJRL-FM licenses.

Conclusion

WHEREFORE, the above premises considered, Styles respectfully urges that the Commission to AMEND § 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Fort Rucker, Alabama	263C3	280C3
Ozark, Alabama	280C3, 285A	285A
Slocumb, Alabama	---	263C3

Respectfully submitted,

STYLES MEDIA GROUP, LLC

By: 
Cary S. Tepper

Their Attorney

Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue;
Suite 304
Bethesda, MD 20814-3628

(301) 718-1818

May 21, 2004

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 21st day of May, 2004, I have served a copy of the foregoing "**Comments & Statement of Continuing Interest**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
445 12th Street, S.W.; Room 3-A266
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read 'C. Tepper', written over a horizontal line.

Cary S. Tepper, Esq.

*/ indicates delivery by hand